

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Twentieth Judicial District Court, County of Lake

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-14-034
-vs-	)	
	)	DECISION
DESMOND ALAN MACKAY,	)	
	)	
Defendant.	)	

On October 29, 2015, for the offense of Count I: Mitigated Deliberate Homicide, a felony, in violation of §45-5-103, MCA, the Defendant was sentenced to the Montana State Prison for a term of forty (40) years with a parole restriction of twenty-five (25) years. The Defendant was given credit for time served of 603 days. The Defendant was ordered to pay restitution in the amount of \$47,878.63 and court fees of \$210.

On February 2, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant appeared by Vision Net from Crossroads Correctional Center and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

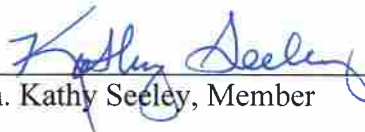
Done in open Court this 2<sup>nd</sup> day of February, 2017.

DATED this 6 day of March, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



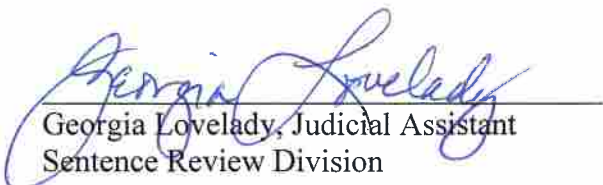
Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 9th day  
of March, 2017, to:

Clerk of District Court (Original)  
Desmond Alan Mackay #3016684, Defendant (2)  
Hon. Deborah Christopher  
Brent Getty, Defense Counsel  
Steven Eschenbacher, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division